UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,376	12/13/1999	Christian Wettergren	P4718US01	2409

466   7590   01/27/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/460,376	WETTERGREN, CHRISTIAN
	Examiner	Art Unit
	Jonathan R Adams	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _19 July 2004_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _10-19_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 7/19/04 have been fully considered but they are not persuasive.

2.   In response to applicants arguments that in the invention taught by Schneck, the user does not define the rules. The examiner disagrees. Schneck teaches a case where the rules are not provided and must be provided by the user (Col 19, Lines 34-45, Schneck)

3.   Regarding arguments for newly added claims 17-19, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims 10, 11, 14 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Patent No. 5,933,498, Schneck et al.

6.   Regarding claim 10, Schneck shows a method for executing a security critical activity having at least one action, the security critical activity being executed by a security device connected to a computer with user involvement, the method comprising the steps of:

7.   User of the computer defining in a proxy letter a situation in which the proxy letter is allowed to handle a security critical activity (Schneck, col. 21, line 26-27),.

8.   starting execution of an action of a security critical activity in a present situation (invoking process, Schneck, col. 19, line 47-49);

9.   determining, for the started action and the present situation and based on the proxy letter, whether (a) the proxy letter is allowed to handle the started action without direct user involvement (Schneck, col. 19, line 17) or (b) direct user involvement is required to handle the started action (user provide rules, Schneck, col. 19, line 64);

10.   when the started action is handled by the proxy letter or by direct user involvement, completing the started action and repeating the starting execution and

11.   when started action is handled neither by the proxy letter nor by direct user involvement, stopping execution of the security critical activity (abort, Schneck, col. 18, line 38-41).

12.   Regarding claim 11, Schneck show claim 10 above, and further show that

the defining step includes the step of defining in the proxy letter situations in

which the proxy letter is allowed to grant an action (Schneck, col. 20, line 19-2 1).

13.   Regarding claim 14, Schneck claim 10 above, and further show that

determining step includes the steps of reading the proxy letter and requesting

direct user involvement if the proxy letter is not allowed to handle the started

action (Schneck, col. 20, line 3-5).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

15.   Claims 12, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over

Patent No. 5,933,498, Schneck et al. in view of Patent No. 5,845,068, Winiger.

Regarding claim 12, Schneck show claim 10 above, but fail to further show that

16.   the defining step includes the step of defining in the proxy letter situations

in which the proxy letter is allowed to prevent an action from being executed.

17.   However, Winiger teaches that service or resource is instantiated in

computer memory a sensitivity label (proxy letter) is associated with the process,

service, or resource, and access by other processes running applications which also desire to access the resource, but which have a different clearance, is denied (prevent, Winiger, col. 2,line 51-54).

18.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck as per teaching of Winiger such that to allow its use to simultaneously process a range of sensitive unclassified or classified information for a diverse set of users without violating access privileges (Winiger, col. 1, line 42-45).

19.   Regarding claim 13, Schneck and Winiger claim 12 above, and further show comprising the steps of determining whether the proxy letter is allowed to prevent an action from being executed and stopping execution of the action when the action is one the proxy letter is allowed to prevent from being executed (enforce access, Winiger, col. 1, line 34-36).

20.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,498, Schneck et al. in view of U.S. Patent Application Pubication No. 2001/0014839 A1, Belanger et al.

21.   Regarding claim 15, Schneck show claim 14 above, but fail to show following the step of requesting direct user involvement, further comprising the steps of waiting a predetermined period of time and, when direct user involvement has not occurred within the predetermined period of time, stopping execution of the security critical activity.

22.   Belanger teaches a time out feature to prevent access if the user has not

exited the service or taken any other action for an extended period of time

(Belanger, page 4,paragraph 0031).

23.   Therefore, it would have been obvious to one having ordinary skill in the

art at the time of the invention that one would be motivated to modify Schneck as

per teaching of Belanger in order to yield a process to prevent unauthorized user

access (see Belanger, page 3 paragraph 0027).

24.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 5,933,498, Schneck et a1. in view of Patent No. 6009518,

Shiakallis.

25.   Regarding claim 16, Schneck shows claim 10 above, but fail to show the

step of completing the started action comprises the step of logging whether the

proxy letter or direct user involvement handled the action.

26.   Shiakallis teaches audits and tracks user activity, DOS directory access,

program execution, attempted security violations, and date and time alterations.

This also includes a report generator which can be individualized so that reports

can be viewed on screen, printed or output to a file. (Shiakallis, col. 4, line 54-

58).

27.   Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Schneck as per teaching of Shiakallis to gain

the benefit of improved security of stored information (Shiakallis, col. 1, line 55-56).

28.   Claims 17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 5,933,498, Schneck et al. in view of Patent No. 5914472, Foladare et al.

Regarding claim 17 and 19:

29.   Schneck teaches a method for executing a security critical activity having at least one action, the security critical activity being executed by a security device connected to a computer with user involvement for secure monetary transactions. Schneck does not teach the use of a transaction limit requiring user interaction. Foladare teaches a secure online transaction system using a threshold limit where an account holder must approve the transaction if a purchase exceeds the limit (Col 2, Lines 44-46, Foladare). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the threshold limit necessitating user approval as taught by Foladare in the invention taught by Schneck. One of ordinary skill in the art would have been motivated to use the threshold limit necessitating user approval as taught by Foladare in the invention taught by Schneck because prompting the user for approval provides a greater level of security when dealing with higher value purchases.
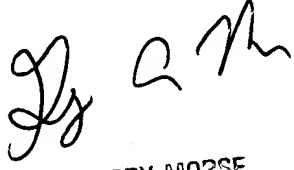
Conclusion

30.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (571)272-3832. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

31.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (571)272-3838.

32.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

GREGORY MORSE
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